

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J. MARK LANE and JAMES SEARS,

Plaintiffs,

-against -

LETITIA JAMES, in her official capacity as Attorney
General of the State of New York, STEVEN A.
NIGRELLI, in his official capacity as Superintendent of
the New York State Police, and MIRIAM E. ROCAH, in
her official capacity as District Attorney for the County
of Westchester, New York,

Defendants.

**NOTICE OF DISTRICT
ATTORNEY MIRIAM E.
ROCAH'S MOTION TO
DISMISS**

Civil Action No.
22 Civ. 10989 (KMK)

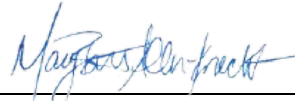
PLEASE TAKE NOTICE that upon the Declaration of Senior Assistant County Attorney MaryBeth Allen-Knecht and Assistant County Attorney Gianfranco Arlia dated May 3, 2023, the exhibits annexed thereto, the accompanying Memorandum of Law dated May 3, 2023; and upon all prior pleadings and proceeding had herein, Defendant District Attorney MIRIAM E. ROCAH (hereinafter, "D.A. Rocah"), will move this Court before the Honorable Kenneth M. Karas, United States District Judge, Southern District of New York, at The Hon. Charles L. Brieant Jr. Federal Building and Courthouse, located at 300 Quarropas Street, White Plains, NY 10601, at a date and time to be determined by the Court, for a decision and order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure dismissing the Complaint as against D.A. Rocah, with prejudice, and for such other and further relief as this Court deems just and proper.

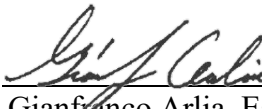
PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Order of April 12, 2023, Plaintiff's opposition to the instant motion is due on June 5, 2023; and Defendants' reply, if any, is due on June 19, 2023.

PLEASE TAKE FURTHER NOTICE that failure to respond to this motion may result in dismissal of the Complaint and termination of this action.

Dated: White Plains, New York
May 3, 2023

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Westchester County Attorney
Attorney for District Attorney Miriam E. Rocah

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